

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA                   \*   Docket No. 6:16-CR-00036  
  \*  
  \*  
VERSUS                                       \*   February 23, 2016  
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  \*  
BRET BROUSSARD                           \*   Lafayette, Louisiana

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REPORTER'S OFFICIAL TRANSCRIPT OF THE PLEA HEARING  
BEFORE THE HONORABLE PATRICIA MINALDI,  
UNITED STATES DISTRICT JUDGE

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**COURT PROCEEDINGS**

(Call to order of the court.)

MR. VAN HOOK: Your Honor, the next plea for your consideration this morning is United States versus Bret Broussard which has been assigned Criminal No. 6:16-0036. At this time the United States would offer the executed Rule 11 package which contains a Waiver of Indictment, Bill of Information, Elements of the Offense, Affidavit of Understanding of Maximum Penalty and Constitutional Rights, a Plea Agreement, and a Factual Stipulation in Support of the Plea.

THE COURT: Thank you. Mr. Grayson, long time no see.

MR. GRAYSON: Nice to see you, Judge.

THE COURT: How are you doing?

MR. GRAYSON: I'm doing well.

THE COURT: You represent Mr. Broussard on this case?

MR. GRAYSON: I do, Your Honor.

THE COURT: Have you gone over the plea packet with him?

MR. GRAYSON: Extensively.

THE COURT: I'm sure you have. Do you feel like he understands it?

MR. GRAYSON: I do.

1 THE COURT: Have you talked with him about the  
2 impact the sentencing guidelines may have on his  
3 sentence?

4 MR. GRAYSON: Yes, I have.

5 THE COURT: Do you feel like he understands that?

6 MR. GRAYSON: As well as the two of us can  
7 understand it.

8 THE COURT: I understand. Mr. Broussard, please  
9 raise your right hand.

10 (Oath is administered.)

11 THE COURT: Mr. Broussard, I'm told you want to  
12 plead guilty -- I'm sorry. Give me your full name for  
13 the record, please.

14 THE DEFENDANT: Bret Broussard.

15 THE COURT: I'm told you want to plead guilty this  
16 morning to deprivation of rights under color of law. Is  
17 that correct?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Before I can accept your guilty plea, I  
20 need to go over some of the documents contained in this  
21 plea packet with you. And Mr. Grayson has told me that  
22 he's gone over that plea packet with you. Is that  
23 correct?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you feel like you understand it?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: He's also told me that he has talked  
3 with you about the impact the sentencing guidelines may  
4 have on your sentence. Is that correct?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Feel like you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Let's turn to the Elements of the  
9 Offense. You have a copy of that in front of you?

10 MR. GRAYSON: Yes, Your Honor.

11 THE COURT: This document contains the things that  
12 the Government would have to prove beyond a reasonable  
13 doubt before you could be convicted of this offense and  
14 those things are, number one, that you acted under color  
15 of law; two, that you deprived S.S., a person in the  
16 United States, of a right protected or secured by the  
17 Constitution and laws of the United States, here the  
18 right to due process of law which includes the right to  
19 be free from the use of excessive force amounting to  
20 punishment by a sheriff's deputy; three, that you acted  
21 willfully; and four, that the offense resulted in bodily  
22 injury to the victim or involved the use of a dangerous  
23 weapon. Do you understand what the Government would  
24 have to prove?

25 THE DEFENDANT: Yes, Your Honor.

1           THE COURT: Let's turn now to the Affidavit of  
2           Understanding of Maximum Penalty and Constitutional  
3           Rights. This document tells you the penalty that you  
4           face when convicted and goes on to describe for you the  
5           constitutional rights that you give up when you enter  
6           this plea. Let's talk first about the penalty.

7           If convicted of this offense you face a term of  
8           imprisonment of not more than ten years, a fine of not  
9           more than \$250,000, a term of supervised release for not  
10          more than three years, and a special assessment of \$100  
11          which is mandatory. Do you understand the penalty that  
12          you face?

13          THE DEFENDANT: Yes, Your Honor.

14          THE COURT: Penalty contains a term of supervised  
15          release which means, if you are incarcerated on this  
16          offense, when you are released from incarceration your  
17          release will be supervised by a probation officer to  
18          whom you will have to report on a regular basis. There  
19          will be conditions placed on that release, things that  
20          you must do and things that you cannot do. It's  
21          important that you abide by the terms of your supervised  
22          release because, if you don't, you could be brought back  
23          to court, your release could be revoked, if that happens  
24          you could end up going back to prison and possibly  
25          facing more than the maximum penalty for this offense.

1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: You have the right go to trial in this  
4 matter. Let me say this first. Mr. Grayson has also  
5 talked with you about the impact the sentencing  
6 guidelines could have on your sentence; is that right?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you feel like you understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: If your guilty plea is accepted here  
11 this morning, a probation officer is going to do an  
12 investigation into your background and the particular  
13 circumstances of this offense. Once that investigation  
14 is complete, the facts learned in the investigation will  
15 be applied to the sentencing guidelines. And when that  
16 happens, it will yield a range of sentence that Congress  
17 says is appropriate for you under these circumstances.  
18 If I think it's inappropriate -- I must consider the  
19 range the sentencing guidelines give me; but if I think  
20 it's inappropriate, I can give you something less or  
21 something more as long as I remain within the bounds of  
22 the law and have a good reason for not accepting the  
23 guidelines. Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: If you are unhappy with your sentence,

1           you would have the right to appeal your sentence but you  
2           couldn't withdraw your guilty plea. Do you understand  
3           that?

4           THE DEFENDANT: Yes, Your Honor.

5           THE COURT: You have the right to go to trial in  
6           this matter. If you went to trial, Mr. Grayson would  
7           represent you, we'd select a jury of 12 people to hear  
8           your case, and all 12 of those jurors would have to  
9           agree that the Government had proved its case beyond a  
10          reasonable doubt before you could be convicted of any  
11          offense. But when you plead guilty you give up your  
12          right to trial, to that 12 person jury and that  
13          unanimous verdict. Do you understand that?

14          THE DEFENDANT: Yes, Your Honor.

15          THE COURT: If you went to trial, you'd have the  
16          right to see the witnesses called against you and ask  
17          them questions; but when you plead guilty you give up  
18          your right to see those witnesses and ask them  
19          questions. Do you understand that?

20          THE DEFENDANT: Yes, Your Honor.

21          THE COURT: You have a privilege against  
22          self-incrimination which means no one could force you to  
23          testify against yourself, but when you plead guilty you  
24          are testifying against yourself so you give up that  
25          privilege. Do you understand that?



1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: If you went to trial, you'd have the  
3 right to take the witness stand in your own defense; but  
4 when you plead guilty you give up that right. Do you  
5 understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: You have the right to be represented at  
8 all times by counsel of your choice or by  
9 court-appointed counsel if you cannot afford your own.  
10 Mr. Grayson, are you retained or appointed?

11 MR. GRAYSON: Retained, Your Honor.

12 THE COURT: You've retained Mr. Grayson. And I  
13 want to let you know that if for any reason you became  
14 indigent during these proceedings and you couldn't  
15 afford his services any longer, I would appoint someone  
16 to represent you. But no matter what, you would be  
17 represented by counsel during trial. And if  
18 convicted -- I don't know what your arrangements are  
19 with Mr. Grayson; but if convicted, someone would  
20 represent you on appeal. But when you plead guilty you  
21 give up your right to trial and to appeal the verdict of  
22 guilt so you also give up your right to be represented  
23 during those proceedings. Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Let's turn to the Plea Agreement. The

1           Plea Agreement outlines in detail and in writing the  
2           obligations that you have to the Government because of  
3           this plea and the obligations the Government has to you  
4           because of this plea. Is there anything about those  
5           obligations you don't understand or have any questions  
6           about?

7           THE DEFENDANT: No, Your Honor.

8           THE COURT: Anyone force, threaten or coerce you to  
9           enter this plea?

10          THE DEFENDANT: No, Your Honor.

11          THE COURT: Anybody promise you anything that's not  
12          contained in the Plea Agreement?

13          THE DEFENDANT: No, Your Honor.

14          THE COURT: Let's turn to the Stipulated Factual  
15          Basis. Oh. As with all the other defendants here this  
16          morning, you have waived your right to an Indictment  
17          which is the document that's issued when a grand jury  
18          hears the evidence of the case and decides there's  
19          enough evidence to hold you over for trial; but you also  
20          have the right to waive that Indictment and be charged  
21          by a Bill of Information which is when the U.S. Attorney  
22          or one of her assistants files a Bill of Information.  
23          So you've chosen to waive that Bill of Indictment. Is  
24          that what you want to do?

25          THE DEFENDANT: Yes, Your Honor.

1 THE COURT: All right. Let's turn to the  
2 Stipulated Factual Basis. I'm not going to read this  
3 word for word, but I am going to go over what I think  
4 are the more important points to make sure this is what  
5 you agree happened in this case because I'm told that  
6 you and the Government agree happened -- agree to this  
7 document. It tells me that you admit that while acting  
8 under color of law while aided and abetted by others you  
9 willfully deprived S.S., a pretrial detainee, of the  
10 right not to be deprived of liberty without due process  
11 of law which includes the right to be free from the use  
12 of excessive force amounting to punishment by a law  
13 enforcement officer in violation of federal law.

14 You were employed by the Iberia Parish Sheriff's  
15 Office and served as a lieutenant of the narcotics unit  
16 in April of 2011. On April 29th of 2011 you were called  
17 to the Iberia Parish Jail to assist with a shakedown.  
18 During the course of the shakedown, you stood with IPSO  
19 supervisors, a supervisor at the IPJ, and other members  
20 of the IPSO narcotics unit as those officers had inmate  
21 S.S. on his knees in the hallway of the jail.

22 One of the IPS supervisors asked the IPJ  
23 supervisor, "Where is a place at the jail without a  
24 camera?" And the IPJ supervisor responded, "The  
25 chapel." The IPSO supervisor directed the deputies of

1 the narcotics unit to "take care," that's in quotations,  
2 of the inmate. It tells me that you understood those  
3 deputies intended to use unlawful force against inmate  
4 S.S. to punish him and were going to take the inmate to  
5 a place where they could not be seen on camera.

6 Knowing their intent and intending to further their  
7 unlawful objective, you followed the other officers to  
8 the chapel with inmate S.S. In the chapel you watched as  
9 a deputy sheriff struck S.S. numerous times with a baton  
10 and while S.S. was compliant, kneeling on the chapel  
11 floor and presenting no threat to anyone. S.S. reacted  
12 after each strike as if the strike caused him pain. You  
13 recognized that you had a duty to intervene and stop the  
14 unjustified use of force on that inmate. Nevertheless,  
15 you willfully chose not to intervene to stop the beating  
16 despite having the opportunity to do so and being one of  
17 the senior officers in the chapel.

18 You then watched as a deputy sheriff with a baton  
19 placed the baton between his own legs and forced S.S. to  
20 mimic performing fellatio on the baton until he choked.  
21 You watched and did nothing to stop the deputy  
22 assaulting S.S. even though you knew you had the duty to  
23 intervene and had the opportunity to do so.

24 Is that what happened?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And to the charge of deprivation of  
2 rights under color of law, how do you plead?

3 THE DEFENDANT: Guilty, Your Honor.

4 THE COURT: Are you satisfied with the  
5 representation that Mr. Grayson has provided to you?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: I'll accept your guilty plea and set  
8 sentencing for 5/24/16 at 11:00 a.m.

9 MR. GRAYSON: He also, Your Honor, has not had  
10 conditions of release set; and we request that he be  
11 allowed to be on bond, ROR bond.

12 THE COURT: Any objection?

13 MR. VAN HOOK: No objection, Your Honor. Same  
14 condition that he not possess a firearm.

15 THE COURT: So ordered.

16 MR. GRAYSON: He does possess firearms, Your Honor,  
17 one of which was issued by the department for whom he's  
18 employed and some personal firearms. We request that he  
19 have time within which to move or release those firearms  
20 to others.

21 THE COURT: To others?

22 MR. GRAYSON: Someone other than himself. Some to  
23 go back to the Iberia Parish Sheriff's Office. However,  
24 he's going to dispose of those which he personally owns  
25 with someone else other than who he lives with.

1 THE COURT: All right. And I'll ask Probation to  
2 oversee that and make sure that happens.

3 MR. VAN HOOK: Your Honor, we'd ask that he not  
4 possess firearms after the end of the day.

5 THE COURT: Is that enough time?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. So ordered.

8 MR. GRAYSON: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (Proceedings adjourned.)

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### CERTIFICATE

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18 I hereby certify this 2nd day of March, 2016, that the  
19 foregoing is, to the best of my ability and understanding, a  
20 true and correct transcript of the proceedings in the  
21 above-entitled matter.

22

23

S/Deidre D. Juranka, RPR  
Official Court Reporter

24

25

**Deidre D. Juranka, RPR**  
**United States Court Reporter**  
**Western District of Louisiana**